

Memorandum



Date: March 20, 2018

To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Agenda Item No. 8(F)(1)

Subject: Recommendation for Approval of a Designated Purchase under Contract No. BW7289-4/08, Oracle Licenses, Maintenance, Training, Technical Services

Recommendation

It is recommended that the Board of County Commissioners (Board) authorize this request for a designated purchase under *Contract No. BW7289-4/08, Oracle Licenses, Maintenance, Training, and Technical Services*, for the Information Technology Department on behalf of multiple departments. Approval of a designated purchase is being requested pursuant to Section 2-8.1(b)(3) of the Miami-Dade County Code to authorize extension of the current contract term by one year and increase expenditure authority by \$3,265,000 to allow the County to complete negotiations of a long-term Master Agreement with Oracle.

This contract was initially established by the Board through Resolution No. R-226-03 for a one-year term with four, one-year option to renew terms. In June 2008, the Board approved a six-month extension through Resolution No. R-652-08. The Board later approved an amendment through Resolution No. R-843-08, extending the initial contract for an additional three-year term with three, two-year option to renew terms. The contract is currently in its final option to renew term. The contract provides the County with Oracle licenses, software, products, training, and technical support services. These licenses support critical departmental applications such as the 311 Call Center, the PeopleSoft Enterprise Resource Planning System, Water and Sewer Customer Information Billing System, and Enterprise Asset Management System. The County requires ongoing software licensing, maintenance, and technical services to support the wide array of systems currently in use by the County.

This item is being presented as a designated purchase as competition for Oracle licenses and associated services is not feasible at this time. Oracle is the proprietary owner of the required software licenses and the sole authorized provider of maintenance and support for its software. In accordance with Resolution No. R-391-17, staff held several negotiation meetings with the vendor in an effort to amend the vendor's standard terms and conditions to incorporate various contract terms required by the Board. The negotiation of those terms resulted in an impasse on certain contract terms. A summary of the unaccepted contract terms is described in the table below:

Contested Contract Requirements	Authority	Negotiations Summary
Accounts Receivable	Implementing Order 3-9	The vendor declined to add this provision to the contract which provides the County with the ability to offset amounts due to the vendor if money is owed to the County.
Local, State, Federal Compliance	Multiple	The vendor contends that the contract already requires compliance with local, state, and federal law and that the vendor will comply with those provisions.
First Source Hiring Referral Program	Section 2-2113 of the Miami-Dade County Code	The vendor declined to participate in this program.

While the County was unable to incorporate these provisions into the contract, staff has evaluated alternative options and determined that this extension is in the County's best interest due to the critical need for the software licenses that are provided, the proprietary nature of Oracle licenses, and the costs associated with procuring an alternative technology solution to replace Oracle. In addition, implementation of a replacement would create a substantial disruption to critical County operations.

A one-year extension of the current contract is required to finalize a replacement Master Agreement with Oracle, which is expected to be presented to the Board within the extension term. The County will continue to negotiate the incorporation of the County's terms and conditions into the Master Agreement and to evaluate the availability of other market solutions during the extension period to ensure that continued use of Oracle software is in the County's best interest. Accordingly, it is recommended that the Board approve this designated purchase to continue to operate this critical infrastructure database software until the new Oracle Master Agreement is executed.

Scope

The impact of this item is countywide in nature.

Fiscal Impact/Funding Source

The contract term expires on March 31, 2018. The contract has an existing cumulative allocation of \$96,375,000. If this request is approved, the contract will have a modified cumulative value of \$99,640,000 and will expire on March 31, 2019. The requested increase in expenditure authority is based on the identified needs during the one-year extension period.

Department	Existing Cumulative Allocation	Additional Allocation Requested	Modified Cumulative Allocation	Funding Source	Contract Manager
Information Technology	\$96,375,000	\$3,265,000	\$99,639,000	Internal Service Funds	Julian Manduley
Total:	\$96,375,000	\$3,265,000	\$99,640,000		

Track Record/Monitor

Sylvia Novela of the Internal Services Department is the Procurement Contracting Manager.

Delegated Authority

If this item is approved, the County Mayor or the County Mayor's designee will have the authority to exercise this extension in accordance with the terms and conditions of the contract pursuant to Section 2-8.1 of the County Code and Implementing Order 3-38.

Awarded Vendor

Vendor	Principal Address	Local Address	Principal
Oracle America Inc.	500 Oracle Parkway Redwood Shores, CA	None	Mark Hurd

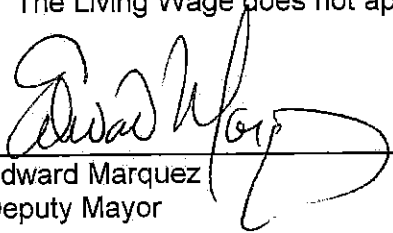
Due Diligence

Pursuant to Resolution No. R-187-12, due diligence was conducted in accordance with the Internal Services Department's Procurement Guidelines to determine contractor responsibility, including verifying corporate status and review of performance and compliance issues through various vendor responsibility lists and a keyword internet search. The lists referenced include convicted vendors, debarred vendors, delinquent contractors, suspended vendors, and federal excluded parties. There were no adverse findings relating to contractor responsibility.

Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners
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Applicable Ordinances and Contract Measures

- The User Access Program provision applies.
- The Small Business Enterprise Bid Preference and Local Preference do not apply.
- The Living Wage does not apply.



Edward Marquez
Deputy Mayor



MEMORANDUM

(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: March 20, 2018

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 8(F)(1)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☒ Applicable legislation requires more than a majority vote (i.e., 2/3's ☒, 3/5's ☐, unanimous ☐) to approve
- ☒ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(F)(1)
3-20-18

RESOLUTION NO. _____

RESOLUTION AUTHORIZING DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1(B)(3) OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; AUTHORIZING AWARD OF ADDITIONAL TIME OF UP TO ONE YEAR FOR CONTRACT NO. BW7289-4/08 FOR THE PURCHASE OF ORACLE LICENSES, SOFTWARE, PRODUCTS, TRAINING, AND TECHNICAL SUPPORT SERVICES FOR MIAMI-DADE COUNTY IN AN AMOUNT NOT TO EXCEED \$3,265,000.00 FOR THE INFORMATION TECHNOLOGY DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. This Board finds it is in the best interest of Miami-Dade County to award additional time of up to one year for Contract No. BW7289-4/08 for the purchase of Oracle licenses, software, products, training, and technical support services for Miami-Dade County in an amount not to exceed \$3,265,000.00 for the Information Technology Department, pursuant to Section 2-8.1(b)(3) of the County Code, by a two-thirds vote of the Board Members present.

Section 2. This Board authorizes the County Mayor or County Mayor's designee to exercise all provisions of the contract pursuant to Section 2-8.1 of the County Code and Implementing Order 3-38. Copies of the contract documents are on file with and available upon request from the Internal Services Department, Procurement Management Services Division.

The foregoing resolution was offered by Commissioner
who moved its adoption. The motion was seconded by Commissioner
and upon being put to a vote, the vote was as follows:

Esteban L. Bovo, Jr., Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of March, 2018. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Oren Rosenthal